

Opinion No. 66-104

August 25, 1966

BY: OPINION OF BOSTON E. WITT, Attorney General Roy G. Hill, Assistant Attorney General

TO: Mr. John W. McHugh, Chairman, The New Mexico Arts Commission, 120 East Marcy, Santa Fe, New Mexico 87501

QUESTION

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Would it be possible for the New Mexico Arts Commission to disburse funds for entertainment expenses if donated by individuals or privately owned firms specifically for that purpose? (One example would be the visit of Mr. Roger Stevens, Chairman of the National Foundation on the Arts and Humanities in Washington, in Santa Fe, July 27.)

CONCLUSION

See analysis.

OPINION

{*140} ANALYSIS

The powers of the New Mexico Arts Commission are found in Section 6 of Chapter 138, Laws of 1965. Subsection F. of Section 6 provides as follows:

"F. to accept on behalf of the state, such donations of money, property, or memorials as, in its discretion, are suitable and shall best further the aims of this act. The commission shall be empowered to accept any additional gifts, contributions or bequests from private persons, corporations, foundations or agencies, or the federal government. Such {*141} moneys so gained may be reemployed as part of a revolving fund to be used to further the purpose of this act . . .".

It is clear that the Commission has the power to accept funds from individuals as well as others. However, this money can only be used to further the purpose of the act. One such purpose is found in Subsection D of Section 1,

"D. that increased activity in the arts will increase employment by encouraging the production of artistic events in various communities of this state, thus utilizing the talents and services of many local citizens."

In addition we find this duty placed on the Commission by Subsection D of Section 6, "to encourage the creative activity in the arts of residents of this state. . . ."

In view of the foregoing, it is our opinion that expenditures from gifts and donations could be made for entertainment so long as that entertainment is directly concerned with some activity that falls within the scope of the purpose and the duties of the Arts Commission.